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CONSTITUTION
OF THE
NATIVE VI OF LOWER KALSKAG

PREAMBLE

We, the Alaska Natives having a common bond of residence in the vicinity of Lower Kalskag, Alaska on the Kuskokwim River. establish this Constitution in order to promote our welfare, implement our inherent right of self-government and to further the economic well being of our Community.

ARTICLE I - NAME

This is the Constitution of the Native Village of Lower Kalskag.

ARTICLE II - TERRITORY AND JURISDICTION

The territory and jurisdiction of the Native Village of Lower Kalskag shall extend to all traditional boundaries, including all lands selected by or for the original Lower Kalskag Corporation, established under the Alaska Native Claims Settlement Act of 1971 to the fullest extent permitted by federal and tribal law.

The jurisdiction of the village shall include authority over members and their property, unless prohibited by federal law.

ARTICLE III - MEMBERSHIP

Section 1. Membership Requirements. The Tribal Council shall adopt an ordinance establishing the rules and procedures for enrollment to the Native Village of Lower Kalskag consistent with the provisions of this Constitution. All persons rejected for membership shall have the right to appeal in accordance with the procedures set forth in the Enrollment Ordinance.

BASE ROLL: Those names appearing on the (date) roll of the Lower Kalskag Corporation, established under the Alaska Native Claims Settlement Act of 1971, shall constitute the base roll of members. The Base Roll shall be certified by the Tribal Council within (one?) year of the adoption of this Constitution.

DESCENDENTS: The direct lineal descendents and the collateral descendents of base enrollees are eligible for membership subject to the provisions of this constitution and any laws enacted pursuant to this constitution.

CURRENT MEMBERSHIP ROLL: A current tribal membership roll shall be maintained and updated annually. The current

membership roll shall be presented to the tribal council for certification 60 days prior to each annual election.

Section 2. Adoption.

a. The Council may adopt any person into the Tribe as long as the person has Alaska Native Blood. This member shall have the same rights and privileges as other tribal members. The direct descendents of such adopted members are eligible for membership, subject to the provisions of this constitution and any laws enacted pursuant to this constitution.

b. The Council may adopt any non-native as an "honorary member" of the Native Village of Lower Kalskag. This honorary member may participate in meetings and tribal gatherings but shall not be eligible to hold office and shall not be entitled to vote.

c. To be eligible for elective office, all ~~members~~ candidates must be a resident of the Native Village of Lower Kalskag for one (1) year immediately preceding the election.

ARTICLE IV - RIGHTS OF MEMBERS

All members of the village shall enjoy equal rights of life, liberty, and the pursuit of happiness, consistent with the customs and laws of the village. In exercising its powers of self-government, the village shall not deny to any person within its jurisdiction, freedom of speech, press or religion, or the right to assemble peacefully, nor shall the village deny to any person the equal protection of village laws or deprive any person of liberty or property without due process of law.

ARTICLE V - GOVERNING BODY

Section 1. Name. The governing body of the Native Village of Lower Kalskag shall be the traditional council, hereinafter referred to as the Council.

Section 2. Number on Council. The council shall consist of five (5) members.

Section 3. Officers. The council shall include a President, Vice-President, Secretary and Treasurer and one (1) member. The council shall elect from among its own members the officers to serve as President, Vice President, Secretary and Treasurer at the first meeting following the village election.

Section 4. Terms. The council members' terms shall be staggered. Seats A and B shall be three (3) year terms; Seats C and D shall be two (2) year terms, and shall

be a one (1) year term. At the first meeting of the duly elected council, the council members shall provide for the staggered terms by drawing lots so that two council members serve the three year terms, two council members serve the two year terms and one council member serves the one year term.

Section 5. Assumption of Office. Newly elected council members shall take office immediately following the election, provided that the election results have been certified by the Election Board. In any event, the incumbents shall continue in office until their successors are duly elected and seated.

Section 6. Quorum. A quorum of the council shall consist of three members of the council.

ARTICLE VI - POWERS

Section 1. Inherent Powers. Except as specifically limited by this Constitution, the powers of the village shall be exercised by the council and shall include all inherent powers of a federally recognized tribal government, including but not limited to those specified in this Article, which do not violate federal or tribal law.

The council may authorize an officer or a council member to act in specific circumstances, set by the council from time to time.

Section 2. Internal Council Procedures. Consistent with the provisions in this Constitution, the council may enact rules to govern its internal procedures and organization and to further define the duties of the village officers by ordinance or resolution.

Section 3. Other Council Powers. In addition to all powers vested in the village or the council by existing law and this constitution, the village, acting though the council shall have the following powers:

(1) To negotiate and contract with State, Federal or Private Agencies and others on behalf of the Native Village of Lower Kalskag.

(2) Except as limited by this Constitution, to manage, lease, exchange, acquire or otherwise deal with village or other property and to prevent the encumbrance, alienation or loss of tribal property or tribal assets without the consent of the village membership.

(3) To exercise the Power of Consent under 14(f) of the Alaska Native Claims Settlement Act of 1971 to the extent permitted by applicable law.

(4) To protect and preserve the village property, members' rights in property, including tribal property, and the wildlife and natural resources within those areas under the jurisdiction of the village, to the extent permitted by applicable law.

(5) To charter enterprises, corporations, and associations, and to join and/or charter housing authorities.

(6) To administer any funds and village assets consistent with this constitution within the control of the village.

(7) To safeguard and promote the health, peace and safety of the members of the village.

(8) To enact and enforce ordinances governing the conduct of members of the Native Village of Lower Kalskag and provide for the maintenance of law and order and the administration of justice by the establishment of a tribal court and defining its powers and duties.

(9) To enact and enforce regulations governing the domestic relations of members, election ordinances and tribal court ordinances.

(10) To recommend and provide for the appointment of guardians for orphans, minor members, and incompetents.

(11) To levy and collect taxes, fees and assessments to the extent permitted by applicable law.

(12) To encourage, guard, foster and protect tribal traditions, language and culture of the Native Village of Lower Kalskag including the arts, crafts, religion and customs.

(13) To enact ordinances and regulations necessary to give effect to any provisions of the constitution and to exercise any power not prohibited by federal law.

(14) To employ legal counsel, subject to the approval of the Secretary of the Interior pursuant to 25 U.S.C. 81 so long as such approval is required by federal law.

(15) To manage tribal economic and social development activites.

Section . Waivers of Sovereign Immunity. Nothing in this Constitution shall be deemed or construed to be a waiver of the sovereign immunity of the Native Village of Lower

Kalskag, which may be only waived by express resolution of the Village Council, after receiving an affirmative vote of the majority of the entire membership , and only to the extent specified in such resolution and permitted by this Constitution and federal law. Waivers of sovereign immunity shall not be general but must be specific and limited as to duration, grantee, transaction, property or funds, if any, of the Tribe.

Waiver of the sovereign immunity of the Village shall not extend to any property or assets of the Village other than the property or assets specifically pledged assigned or otherwise explicitly subject to the levy in the waiver resolution.

Section 5. Retained Powers. The retained powers of the Native Village of Lower Kalskag, not stated in this Constitution shall not be lost by reason of their omission, but may be exercised by vote of the membership through initiative or referendum.

Section 6. Further Powers. The Council of the Native Village of Lower Kalskag may exercise such further powers as may in the future be delegated to it by the federal government either through order of the Secretary of the Interior or by Congress or applicable law.

The power to grant further powers and rights to the Council rests with the membership of the Native Village of Lower Kalskag.

ARTICLE VII - ELECTIONS

Section 1. Voter Qualifications. Except as otherwise provided in Article III, Section 2 b, any member of the Native Village of Lower Kalskag who has reached the age of eighteen (18) or older prior to the election shall be eligible to vote in all tribal elections and meetings.

Section 2. Nominations. The time, place and manner of nominations shall be specified in the Election Ordinance adopted by the council and approved by the membership pursuant to this Constitution.

Section 3. Qualification of Candidates. No member may be a candidate for any elective office unless he/she has the qualifications to be an eligible voter.

Section 4. Convicted Felons. No member who has been convicted of a felony may be a candidate for any elective office.

Section 5. Secret Balloting. All elections of officials and on issues before the voters by initiative or referendum shall be by secret ballot.

Section 6. Absentee Ballot. Any member who has to be away temporarily or is incapacitated due to illness or physical problems may request to vote by absentee ballot.

Section 7. Election Ordinance. The Council shall have the power to adopt election ordinances, subject to the approval of the membership, to address the specifics of election rules and procedures.

Section 8. Election Board. Prior to any tribal election, the council shall appoint responsible persons to supervise, administer and conduct the election. The council shall establish, by appointment, a new election committee prior to each election. Members of the election board shall not be members of the council.

ARTICLE VIII - VACANCIES

Section 1. Vacancies. Vacant council seats, whether vacated by removal, death, resignation, recall or forfeiture, shall be filled by appointment by the remaining member(s) of the Council at its next meeting. Such replacement(s) shall serve for the remainder of the predecessor's term.

ARTICLE IX - REMOVAL, RECALL AND FORFEITURE

Section 1. Removal. Any council member or other official found guilty by the council of behavior involving gross misconduct or neglect of duty shall be removed from office if at least three (3) members of the council vote in favor of such removal. Voting must be by secret ballot. The council member accused shall have no right to cast a ballot. Before any vote for removal is taken, the council member subject to such removal shall be given a written statement of the charges against him at least ten (10) days before the meeting of the council at which he is to appear and he shall be given an opportunity to answer any and all charges at the designated council meeting. If the person subject to removal fails to appear before the council, the council shall proceed with the vote as scheduled. The decision of the council shall be final. No member of the council shall preside over the meeting at which his removal is being considered.

Section 2. Recall. Village members shall have the power to recall any of the council members. The recall process shall be initiated by filing with the council a petiton asking for the recall, signed by at least thirty percent (30%) of the

eligible voters and setting forth the reasons for the petition. Within thirty (30) days after receipt of a valid recall petition, the council shall call a special meeting to consider the petition and decide whether the official named in the petition is to be recalled. The election shall be conducted pursuant to the election ordinance. Once an individual has been subjected to recall proceedings, he shall not again be subject to such action during the balance of his term of office for the same reasons specified in the original petition.

Section 3. Forfeiture. If any member of the council is found guilty of a felony in any federal or state court, resigned or is absent from three (3) consecutive meetings without being excused by the concil, he or she shall automatically forfeit his/her office.

ARTICLE X - MEMBERSHIP PARTICIPATION

Section 1. Initiative. The eligible voters of the village shall have the right to propose legislation and vote by secret ballot to determine whether it will be adopted or rejected. Upon receipt of a valid petition signed by at least thirty percent (30%) of the eligible voters, the council shall call an election, to be conducted by the Election Board, no later than thirty (30) days after receipt of the petition. An affirmative vote by at least a majority of the eligible voters shall be required to determine the issues or questions submitted to the voters.

Section 2. Referendum. The council by an affirmative vote of at least three (3) of its members shall call an election to be conducted by the Election Board, within thirty (30) days of such council decison for the purpose of deciding by secret ballot issues or questions that are within the authority of the council. An affirmative vote by at least a majority of the eligible voters shall be required to determine the issues or questions submitted to the voters.

Section 3. Decisions. The decisions of the voters in initiative, referendum and recall elections shall be binding on the council and the village and shall remain in full force until amended or rescinded by subsequent action of the voters or expires by its own terms.

ARTICLE XI - DUTIES OF OFFICERS

Section 1. President. The President shall preside at all meetings and exercise general supervision over the affairs and activities of the organization. The President may vote on all issues before the council as otherwise provided herein.

Section 2. Vice-President. The Vice-President shall, in the absence of the President, assume the duties and exercise the authority of the Presidential Office.

Section 3. Secretary. The Secretary shall record and keep the minutes of all meetings. The Secretary shall handle all incoming and outgoing correspondence pertinent to all activities and will report to the President all that would require immediate action. The Secretary shall give an activity report at each regularly scheduled meeting.

Section 4. Treasurer. The Treasurer shall carry out the financial directives of the council, receive and safeguard monies of the council and keep an accurate account of receipts and disbursements. The Treasurer shall deposit monies received in the designated banking institution(s) and shall countersign checks with the designated presiding officer(s). The Treasurer shall give an activity report at all meetings reflecting all receipts and expenditures and the amount and nature of all council funds.

Section 5. Secretary/Treasurer. When authorized by the Council, the offices of the Secretary and Treasurer may be combined into one position with the duties outlined in Sections 3 and 4 of this Article.

Section 6. Records. All records and papers compiled by all officers and the Secretary and Treasurer are the property of the Native Village of Lower Kalskag and must be turned over to the council immediately upon vacating their seat on the council.

ARTICLE XII - MEETINGS

Section 1. Regular and Special Meetings. Regular meetings of the council shall be held monthly. Special meetings of the council may be called by the President or upon request of at least three (3) members of the council or upon a petition signed by twenty (20) percent of the qualified voters. The time, place and date of regular and special meetings shall be designated by the council. The council shall have the power to transact business at a special meeting as in a regular meeting, provided that a quorum is present.

Should state which month the annual meeting is to be in.

Section 2. Annual Meetings. Annual meetings of the general membership of the Native Village of Lower Kalskag shall be held at least once annually. The date, time and place of such meetings shall be decided at a council meeting where at least a quorum is present.

Section 3. All meetings of the membership must be publicized by the council at least fifteen (15) days in advance.

Get Harvey Robert Rules of Order

Section 4. Quorum. A quorum of the general membership at annual meetings and special meetings shall consist of thirty (30) percent of the eligible voters. No business shall be conducted unless a quorum is present.

Section 5. Parliamentary Procedures. All meetings shall be conducted according to Robert's Rules of Order.

Section 6. Open Meetings. All meetings of the council shall be open to the tribal members; provided, that the council may recess at its discretion to discuss any matter in a closed or executive session, if the general subject matter to be discussed is expressed in the motion calling for such a session and no final or offical action is taken thereon in the closed or executive session.

Section 7. Decisons. Final decisions of the council on matters of permanent interest shall be by ordinance. Final decisions of the council on matters of temporary interest may be by resolution.

Section 8. Conflict of Interest. No council member may vote on any matter pertaining specifically to him or to an immediate family member or on any matter in which he or an immediate family member has a significant financial interest. Nothing herein bars a council member from voting on a matter in which the benefit to him is common to that of village members at large, or bars a council member or a member of his immediate family from employment by the tribe. Immediate family members are defined as father, mother, spouse, son or daughter.

ARTICLE XIII - SAVINGS CLAUSE

Section 1. Existing Laws Remain in Effect. All previous actions, ordinances and resolutions undertaken or passed by the existing tribal council shall remain in effect following the adoption of this constitution.

Section 2. Revisions. In the event of future constitutional revisions , all previous official actions, ordinances and resolution's of the tribal council shall remain in effect to the extent that they are consistent with this constitution.

ARTICLE XIV - SEVERABILITY

If any provision of this constitution shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XV - AMENDMENT

This constitution may be amended by a majority vote of the qualified voters of the Native Village of Lower Kalskag voting in an election called for that purpose, or at the next annual meeting, provided that at least thirty (30) percent of those entitled to vote shall vote in such an election.

ARTICLE XVI - ADOPTION

Effective Date. This constitution may be adopted by a majority vote of the qualified voters of the Native Village of Lower Kalskag voting at an election called for that specific purpose and shall be effective from the date of approval by the membership.

Transition. The existing tribal council members who have been elected prior to the adoption of this constitution shall remain in office until the first election under this constitution. Staggered terms of office for council officials required by this constitution will be established in the first election of officers.

CERTIFICATE OF ADOPTION AND APPROVAL

I, Elena Aloysius, certify that:

1. I am the duly elected Traditional Council Secretary of the Lower Kalskag Traditional Council.

2. That the foregoing constitution was submitted for adoption to the qualified voters of the Native Village of Lower Kalskag and was adopted by a vote of _____ for and _____ against at an election in which at least a quorum was present and voted on the _____ day of _____, 1990.

CERTIFIED BY:

_____
Elena Aloysius
Council Secretary

ATTEST:

_____
Folossa Evan
President of the Council

_____
Chairman, Election Board

_____
Member, Election Board

_____
Member, Election Board